

**Mayor and City Council of New Castle**  
**Regular Council Meeting (7:00 PM)**  
**New Castle Town Hall—Delaware Street—New Castle, DE**  
**Tuesday, January 11, 2005**

---

President Castagno called the regular meeting of the New Castle City Council to order at 7:00 PM and led those assembled in the pledge of allegiance. He then asked for a moment of silence to honor victims of the Tsunami.

**Roll Call**

**Present:** President Castagno                      Councilperson Miller              Councilperson Reese

Councilperson Padmalingam arrived after the roll call

**Absent:** Councilperson DiAngelo

**Others Present:** Lieutenant Adam Abrams (for Police Chief McDerby), Treasurer Janet Carlin, Finance/Human Resources Director Marian C. Delaney, City Planner Jacquelyn Seneschal, Code Enforcement Officer Herb Swanson, Public Services Director Jim Weldin

**Approval of Minutes by Date**

President Castagno called for approval of the minutes. Councilperson Miller moved to accept the minutes as written. Councilperson Reese seconded the motion. Councilpersons Miller, Padmalingam, and Reese approved the minutes. The motion carried.

Treasurer Janet Carlin reported that as of December 31, 2004:

Cash on hand totaled \$270.

Total monthly deposit totaled \$192,713.53.

Wilmington Trust accounts totaled \$187,211.87.

Certificates of Deposit totaled \$492,473.78.

Total cash on hand equaled \$687,685.67.

President Castagno noted that Ms. Carlin's report differed from the report in the packet. Ms. Carlin explained that the information in the packet includes a \$53,946.76 donation from the Twenty-First Century Fund for reimbursement to the Police Department. She didn't include this in her oral report because the donation was deposited January 14, 2005.

Councilperson Miller moved to accept the report as presented. Councilperson Padmalingam seconded the motion. Councilpersons Miller, Padmalingam, and Reese approved the motion. The motion carried.

**Department Directors' Reports**

**Lieutenant Abrams of the New Castle Police Department** said that his report covered the fiscal year for 2004. He reported that the department was awarded a \$137,084 home security grant that will cover:

- A key badge system for security
- A zoom camera for the parking lot
- 5 portable radios
- A base radio station
- 19 dosimeters (radio active detectors)
- 1 battery conditioning unit
- 8 replacement laptop computers for control vehicles
- Upgraded CAD and voice software for laptops
- 1 digital phone conditioning system
- 17 ballistic helmets
- 17 tactical goggles
- 2 ballistic shields
- 1 truck vault for the Dodge Durango

He also reported that warrants are pending for the suspect in the Wilmington Trust robbery.

Councilperson Padmalingam asked how often police officers make rounds during the week. Lieutenant Abrams replied that they do so often.

**Public Services Director Jim Weldin** discussed the **new bid package for street paving**, with bids to be opened later in the month. He hopes to award the contract in February.

A pre-bid meeting held that morning concerned the drainage culvert under Ninth Street. The actual paving of the street will occur later in the year. Seven companies came to the pre-bid meeting. More companies responded than at an earlier meeting as a result of separating the culvert work from paving. However, some kind of coordination must still occur with the County, Connectiv, and Municipal Services Commission (MSC) for the replacement of the sewer line. The City will open the bids on January 27, 2005. The City Engineer will review them, and if all is in order, the winning bid will be presented to Council for approval in February.

All of the landscaping for the **Greenway Construction** has been planted, except for 12 Holly trees that are currently out of stock and a few other minor shrubs. Curb work, ballard placement, and kiosk installation is 95% complete. Arrangements between MSC and the contractor for coordinating light installation should be completed before the next Council meeting.

**The Friends of New Castle City Parks and Beautification** are waiting for Teel Petty to arrange a community meeting to discuss the placement of a small park in Buttonwood.

The Office of Domestic Preparedness awarded the City a \$12,242.81 grant for Homeland Security. The following have been submitted to the Office of Domestic Preparedness for purchase approval:

- Type III traffic barricades
- Two 6000 Watt emergency portable generators

- Emergency lighting
- Respirators for Public Works employees
- \$5,000 toward the purchase of a large format printer/scanner for emergency responses to incidents in the City. MSC might pay the remaining cost.
- Pedestrian barricades
- Traffic safety barrels
- Two 800 MHz radios for Public Works to enhance communication with the police, fire department, and EMS during an emergency. One will be mobile radio. The other will be a portable radio. The radios will facilitate the City's connection to DelDOT in the event of an emergency.

Mr. Weldin asked those assembled to read a few sentences of the Code Enforcement Officer's report, which revealed that in 2004, the number of complaints filed (218) was greater than the total for 2001, 2002, and 2003 combined (164). He also disclosed that CEO Jon Schlegel was leaving his post that month. Mr. Weldin also revealed that compliance has been excellent, although much still needs to be done to bring ensure that all City properties are in compliance.

Councilperson Padmalingam asked if Public Services has collected and spent all of the monies for the City's parks. He replied that he wasn't sure if the City had received the last phase of reimbursement (approximately \$3,400). About \$1,800 of the money collected to date is left. The \$1,800 will be used with the disbursement to purchase playground equipment for Buttonwood. He hasn't had the opportunity to solicit more donations for the parks. Other donors are expected to come forth, so that the City can continue to purchase playground equipment in 2005. Mr. Weldin is counting on a second disbursement from the State.

**Finance/Human Services Director Marian C. Delaney reported on the following.**

#### **Finance**

**City financial reports** for December 2004 have been distributed in the packets. The year-to-date report reflects 65.5% of the budget collected and 54.5% of the budget expended. In contrast, in December 2003 revenue collected was 61.9%, expended 56.6%.

**City Calendars were mailed on December 23, 2004.** Because the City has a mailing permit, the cost to mail a calendar is 26 cents per copy. The City has also distributed calendars to MSC, Public Services, the Trustees, and the Police Department. Calendars for new residents are available on request. She had 10 calendars available for distribution at the meeting.

The City will conduct **interviews for over-65 and disability exemptions** from January 18, 2005 through June 15, 2005. A notice in the *New Castle Weekly* will apprise residents on dates and income requirements. The City now has 135 exempted residents, at a total cost to the City of \$22,000.

#### **Human Resources**

Ms Delaney met with Jim Weldin, David Skupien, Bob Briggs, and union representatives Debbie Pullan and Adam Abrams to discuss creating a new City Safety Committee. The committee will obtain written support and commitment from the Mayor.

The next **video training for employees** will occur on Wednesday, January 26, 2005. A sign-up sheet will be circulated to each department.

Councilperson Miller moved to accept the Director's reports. Councilperson Padmalingam seconded the motion. Councilpersons Miller, Padmalingam, and Reese approved the motion. The motion carried.

### **Communications**

There were no communications.

### **Business from the Floor**

President Castagno explained that "Business from the Floor" is intended to elicit comments about agenda items only. There was no business from the floor.

### **Business from the Mayor**

There was no business from the Mayor.

### **Business from the Council President**

There was no business from the Council President.

### **Unfinished Business**

**Third and Final Reading and Motion to Adopt Ordinance 428:** President Castagno read Ordinance 428 and summarized Exhibit A of the ordinance, as provided for in Section 230-62 of the City's code. The Ordinance changes the zoning of City property located in Bull Hill Park from Historic Residential (HR) to Open Space and Recreational (OS&R). He then summarized Exhibit A, which described the property in detail.

A letter from the Planning Commission indicated their approval of the change and revealed that their members had also voted unanimously to approve Section 230-62, which distinguishes between structure and building, boating facilities and marina, adds parks and playgrounds to the list of permitted uses in OS&R districts, and building like picnic pavilions and restrooms to the special exception uses in OS&R zones.

Councilperson Miller said that Jacquelyn Seneschal had answered all of her questions about the ordinance. She moved to accept the third reading of Ordinance 428. Councilperson Padmalingam seconded the motion. Councilpersons Miller, Padmalingam, and Reese all moved to accept the third reading of Ordinance 428. The motion carried.

President Castagno next called for a motion to adopt Ordinance 428. Councilperson Miller moved to adopt the ordinance. Councilperson Padmalingam seconded the motion. The motion carried.

### **New Business**

**Approval of Trustees Appropriation List:** President Castagno explained that the City's has received a proposal outlining the Trustees' appropriations. President Castagno said that each department will have a representative when the appropriations list is presented.

Although the City receives grant funding from several different sources; however, historically the Trustees have funded the City's capital investments. They have asked the City to submit a wish list. From 10% to 15% of the City's grant funding comes from the Trustees. The Council must arrive at a consensus about the request to be submitted to the Trustees. The submission will include a request from each City department. Some of the funds the City receives are "pass through" grants, that is grants that the Trustees wish to give to other organizations like the Good Will Fire Company, but for tax or liability reasons cannot do so. The Trustees then gives the funds to the City, which in turn gives the funds to the fire company. The Good Will Fire Company is asking for \$74,000; the Tree Commission, \$20,000.

**The Police Department** requests two police cars at a cost of \$50,000, plus \$6,000 for gate repair. Councilperson Miller asked if the \$6,000 is for a new gate. Lieutenant Abrams explained that the appropriation is to replace a heavy gate with a light gate because the current gate is too heavy for the truck's motor. The motor has already burned out once.

**Public Services Department** is asking for a **single-operator trash collection truck** (\$175,000), 96-gallon trash cans (30,000), a dump truck with a scoop (\$55,000), and half payment on a ski steer (\$12,000).

The automated trash collection system will not operate in the entire City. For example, it will not operate in the downtown area because of the large number of cars on the street.

President Castagno asked Mr. Weldin to describe the benefits of a single-operator trash truck. Mr. Weldin said that the proposed truck can serve up to 1,200 homes a day. A manual system can serve only 600 or 700 homes, based on actual studies. In contrast, existing trucks require a three-man crew. In contrast, the single operator truck requires only a driver. A boom automatically reaches out and collects trash from 96 gallon cans and dumps the trash in the truck.

Mr. Weldin said that a trash truck has a life expectancy of five to seven years. Two of the City's three trucks are older than that. The newest one is on a five year track. The existing trucks necessitate large maintenance costs: \$6,000 or \$7,000 at a time.

The single-operator truck would eliminate maintenance costs as well as save on workers' compensation claims. Most of the City's workman's compensation claims are related to the current mode of trash collection.

President Castagno asked whether the truck would be acquired as a purchase or through leasing. Mr. Weldin replied that leasing options exist and that the leasing option might be better. He will have the details of the leasing options when a representative of the company contacts him within the week. The trash cans can also be leased, but purchase would be more economical. The company's interest rates are low: 3.9% or 4.0%.

Mr. Weldin said that the heavy truck requested will have a plow for use when heavy snow falls. Sometimes the City has to borrow MSC's truck when they are not using it.

The City has received a grant from DNREC for **yard-waste recycling**. The City was hoping to share equipment with Newport, but it didn't work out. Irv Thatcher has approached the Trustees about sharing the cost of a skid steer to be used for snow plowing, recycling, and yard work. The City now has half the necessary cost. The Trustees advised returning in January when they decide on appropriations.

President Castagno then asked **Ms. Delaney about replacing the City's point-to-point T1 lines with fiber optic lines**. She revealed that the Trustees Appropriations List includes \$33,000 to replace the T1 lines with fiber optic lines. Technology Matrix, which supplies the City's firewall, will provide the expertise necessary to install the fiber optic network.

Ms. Delaney said that the City now has two lines: one for voice and one for data. Now supplies the City with T1 lines for \$1,450 per month. If the City replaces the T1 lines with fiber optic lines, that cost will go away. The police, the trolley barn, and MSC now have fiber optic lines. Last year when the City created its firewall and put some equipment at the Municipal Maintenance Plant, MSC permitted the City to use its conduit.

Councilperson Miller expressed the hope that strong consideration would be given to the project this year. She has had two meetings with Chip Paterson, Ms. Delaney, Greg Peden, and Jim Quillen. They said that communication is vital to the City and that they hope the project will be given speedy consideration.

Ms. Delaney also reported that her department had asked for **\$4500 for filing and storage cabinets**.

Councilperson Padmalingam asked how purchasing the single-operator trash truck would impact the employees who work on the current trucks. Mr. Weldin reassured him that it would not reduce the number of people currently employed. Rather, in considering the needs of 2005 and the fiscal budget, more people will be needed. One route will be expanded because the truck can cover more homes in a day. The second route would be shortened. The City will have more work to do because of maintenance on the Heritage Trail and the Greenway. Councilperson Padmalingam then asked if maintenance costs will be assumed by the City. He was assured that the City would not assume the costs.

Councilperson Miller asked which areas would be served by the new truck and learned that the areas to be served include Washington Park, Van Dyke Village, and Boothhurst. The areas not served include Downtown, Dobbinsville, Shaw Town, and Buttonwood. Mr. Weldin replied that the truck could service 1000 homes a day, and this could include the areas mentioned, and perhaps, Dobbinsville and Shaw Town, but definitely not Downtown. Councilperson Miller said that in Shaw Town, people park on the street, a practice that must be considered. Mr. Weldin disclosed that the new truck could probably handle most of the streets in Shaw Town.

Councilperson Reese asked if there would be one trash can per house. Mr. Weldin said that each house would have one 96 gallon container, but that the truck can also accommodate a 32 gallon container; however, the goal is to require the trash for each residence to be in one 96 gallon container. No bagged trash will be permitted. Cans will be obligatory.

**Ned Hutchinson** asked about the weight of a 96 gallon container. Mr. Weldin revealed that the each can holds approximately 250 pounds. Mr. Hutchinson questioned whether or not some

residents can handle such a large container. Mr. Weldin said that the cans are wheeled and that they can be moved fairly easily. He continued that the truck can also accommodate 32 pound cans, and that people with special needs could have more than one can, but that would be the exception. Mr. Hutchinson reported that he delivers Meals on Wheels twice a month and that the people he serves are not able to manage a 96 gallon container. He said that he would "have a hard time doing that myself." Mr. Weldin reiterated that the truck can also handle 32 gallon containers and that if people are only putting out one bag, they can probably get by with a smaller container than a 96 gallon container.

**Bill Emery of Bolton** stated his objection to the single-operator truck. On trash day, few people have just one trash can. He often has two or three. At holiday times, several days go by without a pickup, and people have resorted to putting trash in bags. He doesn't think the system will work in any development in New Castle. Mr. Weldin assured him that the City would give residents the necessary cans.

Councilperson Reese said that if Mr. Emery is putting out three 32 gallon can, he is actually putting out the equivalent of a 96 gallon can. President Castagno said that the City proposes to give residents the 96 gallon cans as part of the plan.

Mr. Weldin said that the program has worked in Newark. Initially, people objected to the program, but now they like it. In New Castle, trash collection day is obvious because of the trash blowing around and the varied trash containers used.

**Charlotte Houben of Washington Park** asked how many times a week the new truck would collect trash. Mr. Weldin replied that trash would be collected twice a week.

Mr. Weldin said that legislation has been drafted and that recycling will become mandatory within 12 months. **John Houben of Washington Park** asked if all recyclable materials are to be combined and then sorted. Mr. Weldin said the recycling will be *single stream*, that is, different recyclable materials in different containers can be dumped into one large container. Paper and plastic will be collected, but not glass because broken glass contaminates other materials. The single-stream method will reduce the City's cost since all recyclables can be collected in the same truck. The City will not have to purchase a special piece of sorting equipment, which costs approximately \$65,000. Recycling will occur on Wednesday, the day when trash collection does not occur. Mr. Weldin wants to get a grant to make recycling easier for the residents.

**Mr. Houben** pointed out that 30 or 40% of residents of Washington Park use plastic bags, so the single-operator truck would have to go up one side of the street, turn around and come back down because the arm can only reach one way.

Councilperson Reese cited his daughter's experience in North Carolina, where single-operator trucks maneuver between cars to pick up trash without any problem. Mr. Weldin interviewed two drivers of single-operator trucks, who said they have no problem collecting trash.

Councilperson Miller moved to approve the Trustees appropriations list. Councilperson Reese seconded the motion. Councilpersons Miller, Padmalingam, and Reese approved the motion. The motion carried.

**Request from Sandra Pitts to Vend at the Tennis Courts and Battery Park for the 2005 Season:**

President Castagno read a letter from Sandra Pitts, trading as *Hot Dawg Carts*, requesting renewal of her food-vending license at the Battery Park wharf and the tennis courts, beginning Memorial Day weekend. Councilperson Miller expressed concern that when the cart serves the wharf, it operates from Third Street because of the safety issues involved. Thus it does serve from the Battery. If the Trustees do not complain, the City can renew the license. President Castagno asked those assembled if they had any issue with the presence of the Hot Dawg Cart, which has been in business at the park for the last five years.

**Janet Churchill** of Bull Hill said that the Lions Club once had a hot dog cart during the summer concerts and that they serve refreshments as a fund raiser. President Castagno asked if she proposed to continue that practice. She responded that their fund raising activities were only for seven nights in the summer. President Castagno asked if she wanted to stipulate that the Wednesday night event could continue. President Castagno asked if there should be a motion to designate the Wednesday night event as "historically done." Councilperson Reese asked if the concern was about both of the Hot Dawg Cart's locations or just the one on Third Street. Ms. Churchill said that it was probably both. Councilperson Miller said that anything the Lions' Club does should take precedence. She invited Ms. Churchill to look at the Hot Dawg Cart contract. Councilperson Reese then moved to grant the request with the addition of a no-compete clause. Councilperson Padmalingam second the motion. Councilpersons Miller, Padmalingam, and Reese approved the motion. The motion carried. President Castagno then asked Ms. Delaney to ensure that the contract was amended appropriately.

**Maintenance of the Administration Building:** President Castagno asked Mr. Weldin about water problems at the Administration Building. Mr. Weldin disclosed that three vendors are looking at the building's serious water leakage.

**Resolution 2001-01 Approving the Continuance of an Encroachment of a Building Located at 126 East Second Street:** President Castagno read a letter from Jeff Bergstrom concerning the request from Michael and Tracey Connolly concerning their property (Parcel 21-015.20-069), which encroaches on City property 2.2 feet and their front steps an additional 5.1 feet. They have agreed to "indemnify and save the City harmless from any loss or liability arising out of the maintenance of this encroachment in the future." The City assumes no "liability of any nature whatsoever attributable to the encroachment." The encroachment is of 50 years duration. A.E.S. Surveyors conducted the study that revealed the encroachment.

Councilperson Padmalingam asked if the City could take back the encroachment if necessary. President Castagno said that when such an encroachment exists, the City writes to the owners, permitting the encroachment, but warning that the City will take the property back if necessary. Councilperson Reese moved to accept Resolution 2001-01. Councilperson Padmalingam seconded the motion.

Councilperson Miller asked about the Property's location and learned that it is in Bull Hill, near Chestnut Street. Councilperson Reese said that mortgage companies are becoming concerned because of the possibility that streets may be widened. Councilpersons Miller, Padmalingam, and Reese approved the motion. The motion carried.

**Resolution 2005-02: Approving a Minor Subdivision on West Third Street:** President Castagno read an application from H&C, Inc., to approve a minor subdivision involving property located on 37, 39, and 41 West Third Street. A plat was distributed that showed the exact location of the property. The Planning Commission determined “that the application is in conformity with the Subdivision Regulations of the City of New Castle and recommends” that the subdivision be approved.

President Castagno noted that the Planning Commission and the Historic Area Commission (HAC) had approved the subdivision. Councilperson Reese asked about provisions for parking. He disclosed that the last time the houses were occupied, the David Finney had a parking lot where many of the residents parked. He asked what was to be done about parking, when parking on the street was already at a premium.

**Ivy Cochran**, who submitted the petition for the subdivision, said that the three existing houses will be made into two, thus lessening the need for parking. Councilperson Reese pointed out, that the three *unoccupied houses* will become *two occupied houses*, that parking on West Third Street is on one side only, and that there is no way to provide additional parking there. The subdivision will create even more of a parking problem than now exists.

President Castagno said that the subdivision meets all requirements and that the application has been reviewed by the proper agencies. Councilperson Reese pointed out that the language on the historic review page states that the plan is to “demolish both houses.” President Castagno pointed out that demolishing the houses was the original plan, but the plan was later amended and that the outdated page Councilperson Reese cited represents the original idea.

Earl Carpenter asked about plans to demolish the houses. President Castagno explained that that was the original intent. Ms. Cochran repeated that the approved plan is for remodeling the houses.

Councilperson Miller moved to accept the subdivision; Councilperson seconded the motion. Councilperson Reese opposed the motion. President Castagno and Councilpersons Miller and Padmalingam approved the motion. The motion carried with one dissenting vote.

**Bank Resolution to Pay \$63,043 to Grassbusters Landscaping Company, Inc.:**

Councilperson Miller read the bank resolution to pay Grassbusters Landscaping Company, Inc., the sum of \$63,043 for the Heritage Trail, from New Castle to Christiana River (State Project 24-200-11). She noted that the City would receive some reimbursement toward the cost of the project. President Castagno said the City would be reimbursed 100%.

Councilperson Reese moved to accept the resolution. Councilperson Padmalingam seconded the motion. Councilpersons Miller, Padmalingam, and Reese approved the motion. The motion carried.

**Comments from the Floor**

**Teel Petty of Buttonwood** announced that she had three concerns to discuss. First, she didn’t set up a meeting concerning the Buttonwood Park because of the holiday season; however, she will call a meeting before the February Council meeting.

Second, the standing water on Buttonwood Avenue is so bad that trees there are falling over. The water has been standing from last summer up to the present. She doesn't understand why the City hasn't drained the area. She complained that the Council has not resolved the problem even though she has cited the poor drainage at innumerable Council meetings. The property owners there also want to know when the area will be drained. She noted that Mr. Weldin called the area wet lands, and she wants documentation that proves that the area constitutes wet lands. Mr. Weldin said the area across the street from her house is wet land.

The third issue is the closing of Howell Drive. She said a letter from the Chief of Police states how dangerous the street is. At one time, the City wished to close it. Then DelDOT decided to look into the problem, but Buttonwood residents have heard nothing. The cars still speed; they still jump the tracks; they nearly run over cars attempting to turn into their driveways; eventually someone will be killed. Exits and egresses in and out of Collins Park make Howell Drive unnecessary. She questioned why DelDOT has to be involved. She asked what it will take to close the street.

President Castagno asked Lieutenant Brams to follow up with Chief McDerby to determine if DelDOT has decided on a course of action.

Ms Petty then noted that the City Council is New Castle's governing body. She wants to know if the Council has decided to solve the drainage problem, why isn't something done. President Castagno responded that the property involved doesn't necessarily fall within the purview of City government. The property in Collins Park is not in the City; therefore fixing the problem requires a cooperative effort among several agencies. Ms. Petty noted that the City has had ample time to coordinate the effort.

Councilperson Reese asked if Senator Henry is Buttonwood's senator and if J.J. Johnson is aware of the problem. She said that everyone involved is aware of the problem, but no one does anything about it.

**Ned Hutchinson** asked about whether or not the City has sovereign immunity. If so, the City's responsibility for right-of-ways, side walks, and trees is moot. At the moment, no one knows who owns what. If the City has sovereign immunity, the City's insurance rates should be lower. His other question was "Does the property owner or the City own the trees?"

He complained that the tree ordinance was one of the worst ordinances he has ever read. He pointed out that residents own the sidewalk out to the curb and that prohibition against a tree's two-foot encroachment on the sidewalk ignores property ownership. He asked if the property ownership of the sidewalk include the trees on the sidewalk.

**Bill Emory** commended the Council on the beautiful work done on the wharf. He also asked if the volunteer boat ramp at the end of Third Street is on Trustee land. President Castagno responded that the land and half of the road are private property, and that the City has jurisdiction over the area. He also said that Brosous Eliason technically owns part of that property and a part of Third Street. Mr. Emory pointed out that the area is an embarrassment because of its disgraceful condition.

President Castagno revealed that the City has been working on a project to rebuild Third Street, but until the ownership issue is resolved, little can be done. He is hopeful that when the area is

deeded back to the City, Third Street can be rebuilt. Councilperson Miller disclosed that she worked with Brosous Eliason, the Trustees, and the City for almost a year, and that it was Brosous Eliason that impeded progress on the issue. President Castagno said that the issue is still in discussion. Councilperson Reese noted that the section the City is trying to free up is a landlocked section.

### **Meeting Adjourned**

Councilperson Miller moved to adjourn the meeting. Councilperson Reese seconded the motion. Councilpersons Miller, Padmalingam, and Reese approved the motion. The motion carried. The meeting was adjourned at 8:18 PM.

### **Next Scheduled Meeting**

The next City Council meeting is scheduled for February 8, 2005.

Respectfully submitted,

Darcy Mozer, City Clerk